

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

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GENE J. FRISCH,

Plaintiff,

v.

THE CBE GROUP, INC.,

Defendant.

Case No.: 14-C-0623

Judge Rudolph T. Randa

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**JOINT REPORT OF PARTIES' PLANNING MEETING PURSUANT TO RULE 26(f)**

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The counsel and parties identified below participated in the meeting required by Federal Rules of Civil Procedure 26(f) via telephone on September 15, 2014.

Pursuant to this Court's Notice of Scheduling Conference dated September 2, 2014 [Dkt. #11], which governs this report, the parties prepared the following report.

The Rule 16 scheduling conference in this action is scheduled to occur on October 28, 2014 at 10:30 a.m. CST before Judge Rudolph T. Randa, in Courtroom 222, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.

The parties will request to appear telephonically.

**I. RULE 26(f) REQUIREMENTS**

**A. Rule 26(f)(3)(A) - What Changes Should Be Made in the Timing, Form, or Requirement for Disclosures Under Rule 26(A), Including a Statement of When Initial Disclosures Were Made or Will Be Made.**

The parties proposed changes to the timing, form or requirements for disclosure under

Rule 26(a). The parties will serve initial disclosures no later than October 15, 2014.

**B. Rule 26(f)(3)(B) - The Subjects on Which Discovery May Be Needed, When Discovery Should Be Completed, and Whether Discovery Should Be Conducted in Phases or Be Limited to or Focused on Particular Issues.**

The parties propose to seek discovery of any matter relevant to the subject matter involved in the case at bar, and/or reasonably calculated to lead to the discovery of admissible evidence.

The parties propose that discovery be completed by May 1, 2015.

The parties do not propose conducting discovery in phases or limiting discovery to particular issues.

**C. Rule 26(f)(3)(C) – Any Issues About Disclosure or Discovery of Electronically Stored Information, Including the Form or Forms in Which It Should Be Produced.**

The parties propose that this case may involve ESI and that electronically stored information shall be preserved and therefore may be requested in any reasonable common format and media.

**D. Rule 26(f)(3)(D) - Any Issues About Claims of Privilege or of Protection as Trial-Preparation Materials, Including—if the Parties Agree on a Procedure to Assert These Claims After Production—Whether to Ask the Court to Include Their Agreement in an Order.**

The parties do not anticipate any particular, non-standard issues with respect to claims of privilege that may be asserted in this action. The parties will submit a protective order for the court's review by separate motion as necessary.

**E. Rule 26(f)(3)(E) - What Changes Should Be Made in the Limitations on Discovery Imposed Under These Rules or By Local Rule, and What Other Limitations Should Be Imposed.**

The parties do not anticipate any particular, non-standard issues that may require modifying or limiting the federal or local discovery rules.

**F. Rule 26(f)(3)(F) – Any Other Orders That the Court Should Issue Under Rule 26(C) Or Under Rule 16(b) and (c).**

The parties do not propose that the Court issue any additional orders regarding protective orders under Rule 26(c), scheduling orders under Rule 16(b), or requirements for the pretrial conference under Rule 16(c) other than those contemplated herein.

**II. LOCAL RULE REQUIREMENTS**

Pursuant to L.R. 26 governing the conference of parties and this report, the parties state the following:

**Electronically stored information [L.R. 26(a)]**

The parties propose that this case may involve ESI and that electronically stored information shall be preserved and therefore may be requested in any reasonably common format and media. Any costs involved should be subject to review of the Court only if a dispute arises regarding the significance of same.

**III. ADDITIONAL LOCAL RULE REQUIREMENTS**

Pursuant to this Court's Notice of Scheduling Conference dated September 24, 2013 [Dkt. # 11], which governs this report, the parties state the following:

**A. Brief statement of the nature of the case;**

The case at bar is an action under the Telephone Consumer Protection Act ("TCPA")

arising from calls made by CBE to Mr. Frisch.

**B. Whether the pleadings will be amended;**

Plaintiff anticipates amending his pleading at the end of discovery.

**C. Whether parties will be joined;**

Plaintiff anticipates joinder of Defendant's parent, CBE Companies, Inc.

Defendant does not currently anticipate the joinder of any additional parties to this action.

**D. Motions contemplated;**

Plaintiff anticipates moving for leave to amend the First Amended Complaint at the conclusion of discovery.

Defendant anticipates a motion for summary judgment on or before May 1, 2015, either party may file dispositive motions.

**E. The estimated trial length;**

The parties anticipate that a trial will take one to two days to complete.

**F. Whether a jury trial is requested;**

The parties have requested a jury trial.

**G. Whether the parties consent to mediation;**

Plaintiff does not consent to mediation. Defendant consents to mediation provided that their designated representative(s) be permitted to participate in any such mediation telephonically.

**H. Other matters that affect scheduling for final disposition;**

The parties are not aware of any other matters at this time that would affect scheduling for final disposition.

**I. Statement of the Parties' Conferral with Respect to Each of the Above**

**Matters.**

The parties have conferred telephonically and by e-mail with respect to each of the matters discussed above.

Respectfully submitted,

Dated: September 17, 2014

/s/ Gene J. Frisch  
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Dated: September 17, 2014

/s/ David J. Hanus  
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